



REPORTING OF THE RECORD TASK FORCE

Meeting Minutes

April 23 – 25, 2003

Administrative Office of the Courts

Northern/Central Regional Office, 2880 Gateway Oaks Drive, Suite 300, Sacramento, CA 95833

<p><i>TASK FORCE MEMBERS PRESENT:</i> Hon. James A. Ardaiz, Chair, Administrative Presiding Justice of the Court of Appeal, Fifth Appellate District Hon. S. William Abel, Presiding Judge, Superior Court of Colusa County Ms. Maura Baldocchi, CSR, Official Court Reporter, Superior Court of San Francisco County Mr. Ron D. Barrow, Clerk of the Court, Court of Appeal, First Appellate District Mr. Gary M. Cramer, CSR, Official Court Reporter, Superior Court of Los Angeles County Mr. Edward J. Horowitz, Esq., Law Offices of Edward J. Horowitz Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters, Superior Court of Riverside County Mr. Len LeTellier, Executive Officer, Superior Court of Sutter County Ms. Jeanne Millsaps, Executive Officer, Superior Court of San Joaquin County Mr. Gordon Park-Li, Executive Officer, Superior Court of San Francisco County Ms. Kary Parker, CSR, Official Court Reporter, Superior Court of Orange County Mr. Tom Pringle, CSR, Official Court Reporter, Superior Court of Shasta County Mr. Paul J. Runyon, Administrator, Litigation Support, Superior Court of Los Angeles County Mr. Alan Slater, Chief Executive Officer, Superior Court of Orange County Ms. Fiel Tigno, Esq., Supervising Deputy Attorney General, Office of the Attorney General, Department of Justice</p> <p><i>TASK FORCE MEMBERS ABSENT:</i> Hon. John S. Einhorn, Assistant Presiding Judge, Superior Court of San Diego County Mr. Gary Evan McCurdy, Esq., Assistant Director, Central California Appellate Program</p>	<p><i>TASK FORCE LIAISON:</i> Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of California (Present)</p> <p><i>PRESENTER:</i> Ms. Mary Beth Todd, Executive Officer, Superior Court of Calaveras County</p> <p><i>GUESTS:</i> None</p> <p><i>FACILITATOR:</i> Ms. Sharon Maher, Maher & Company (Present)</p> <p><i>AOC STAFF PRESENT:</i> Ms. Pat Sweeten, Director, Executive Office Programs Division Ms. Christine E. Patton, Regional Director, Bay Area/Northern Coastal Region Ms. Sally Lee, Manager, Executive Office Programs Division Ms. Claudia Ortega, Lead Staff, Senior Court Services Analyst, Executive Office Programs Division Ms. Emily Flynn, Attorney, Office of the General Counsel Mr. Martin Riley, Governmental Affairs Analyst, Office of Governmental Affairs Ms. Deborah Silva, Administrative Coordinator, Executive Office Programs Division Ms. Josely Yangco-Fronda, Administrative Coordinator, Executive Office Programs Division</p> <p><i>AOC STAFF ABSENT:</i> None</p>
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Meeting Minutes

Wednesday, April 23, 2003

Item 1 Opening Remarks

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:10 p.m. He then provided a brief overview of the three-day meeting.

Item 2 Public Comment

Mr. Richard Power, an appellate attorney and computer programmer, addressed the task force on how software could be used to create a transcript from an audio recording. Mr. Power expressed his desire to work with the task force on deploying such software for use in the courts. Justice Ardaiz thanked Mr. Power and explained that the task force is engaged in establishing policy and not actual implementation.

Item 3 Report on the Results of the AOC Surveys Regarding Superior Court Collection of Fees for Court Reporting Services and Letter to SEIU on Resuming Discussions Regarding the Governor's Proposals for Court Ownership of the Transcript and the Expanded Use of Electronic Recording

Justice Ardaiz reported that court reporter association leadership and union representatives had projected that the trial courts were undercollecting the court reporting services fee (authorized by Government Code section 68086) by approximately \$40 million per year. This projection used the Superior Court of Los Angeles County as a benchmark. Using this court as a benchmark, the court reporters estimated that it is possible to collect \$58 million in court reporting fees statewide. In recognition that some courts may charge a lesser fee, the court reporters adjusted their estimate to \$40 million in undercollection. In response to this assertion, the Administrative Office of the Courts (AOC) conducted two surveys with the trial courts to determine their collection processes for this fee. Based on defined, confirmable statistics, the AOC found that the additional revenue that could potentially be collected from this source ranges from \$1.8 million to \$5.0 million. The AOC distributed the results of these surveys and its analysis to presiding judges, executive officers, the Legislative Analyst's Office, this task force, and the Service Employees International Union (SEIU). Justice Ardaiz emphasized that staff did not edit, alter, or filter the information received by the trial courts in compiling the reports. He also stated that it was recognized that some courts were not collecting this fee as aggressively as possible. Some courts have already begun to re-evaluate their collection procedures and the AOC will work with the courts to facilitate increased collection.

Justice Ardaiz directed the task force's attention to a copy of a letter he wrote to Ms. Annelle Grajeda, General Manager of SEIU Local 660, dated March 26, 2003. For the purposes of the discussions concerning the Governor's proposals regarding electronic recording and court ownership of the transcript, Ms. Grajeda is the spokesperson for the court reporter leadership and union representatives. In this letter, Justice Ardaiz discussed the results of the previously mentioned surveys. Justice Ardaiz asked Ms. Grajeda to resume discussions with the AOC

concerning the Governor's proposals with the objective of reaching a common understanding as to how best to respond to the budget reductions. Justice Ardaiz briefly discussed the magnitude of the courts' budget crises and its worsening nature. He then reported that a tentative date for early May had been set for meeting with SEIU and that he was gratified that they could discuss these matters again.

Justice Ardaiz also reported that he was aware of various published reports erroneously stating that the AOC and Judicial Council intended to lay off between 40 – 60% of court reporters in the state. These statements have caused him considerable concern. Justice Ardaiz wanted to make it absolutely clear that the Judicial Council, AOC, and he have not made any statements to this effect. There is no proposal or intention to lay off official court reporters as a result of implementing electronic recording or owning the transcript. He also stated his position that laying off any court employees was not the best solution in response to a budget crises. Justice Ardaiz concluded by stating that the misrepresentations about plans to lay off official court reporters were a disservice to this profession as they caused widespread fear and anxiety.

Regarding the collection of court reporting services fees, Mr. Gary M. Cramer stated that there appears to be a great deal of confusion regarding the provision of fee waivers for governmental agencies. He stated that an opinion by the Office of the Attorney General prohibits granting fee waivers to governmental agencies for this fee. Justice Ardaiz stated that he was not aware of this opinion and asked Mr. Cramer to forward a copy of this document to Ms. Emily Flynn for review. Mr. Cramer agreed to do so and forwarded a copy of the document to Ms. Flynn.

Mr. Cramer then asked if the council is considering amending California Rule of Court 892 in any way. Justice Ardaiz responded that with respect to appropriate and viable collection efforts, he is prepared to discuss these at the May meeting with the court reporter leadership. He also stated that he believes the council would be open to discussion with respect to any recommendation regarding amending the rule. Justice Ardaiz emphasized that the difference of opinion between the AOC and court reporter leadership is not whether the courts are collecting all that they should be collecting. Rather, the difference of opinion lies in the realistic amounts that the courts can collect.

Mr. Cramer also wanted to address the comments concerning potential layoff of 40 - 60% of official court reporters. He stated that these comments probably result from court reporters' belief that if the courts are not allowed to use electronic recording and the \$36.5 million reduction in the court reporting budget is not plugged, then significant layoffs will occur. The rough approximation of 40 – 60% of layoffs was probably derived from the AOC's stated approximation that about 500 official court reporters could face lay offs if the use of electronic recording was not expanded *and* if the court reporting budget was cut by \$36.5 million. Justice Ardaiz stated that he understood this thought process, but that he also expected the leadership within the court reporting profession to provide accurate information to confront the previously discussed statements.

Ms. Maura Baldocchi stated that the council representatives met secretly with the Governor's Office to recommend these proposals as cost savings measures. She also stated that she believed that most of this discussion should take place during the May meeting. Justice Ardaiz responded that, as previously stated, the judiciary and all other branches of government were expected to convey cost saving proposals to address the budget shortfall.

Mr. Alan Slater, also a member of the council, stated that the Governor had proposed that hundreds of millions be cut from the judicial branch's general fund allocation. The only way to achieve savings of the \$116 million in Trial Court Funding is through savings in program areas and revenue from increased fees.

Item 4 Wrap Up – Delivery, Maintenance, and Storage of the Verbatim Transcript and Reporter's Notes

Ms. Sharon Maher introduced draft standards for the delivery, maintenance, and storage of the certified verbatim transcript. The task force began to review and discuss these standards.

Item 5 Hotel Shuttle Information

Task force staff distributed the shuttle schedule.

Item 6 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:05 p.m.

**Meeting Minutes
Thursday, April 24, 2003**

Item 1 Recap of the Previous Day's Discussion

Justice Ardaiz called the meeting to order at 8:45 a.m. He briefly summarized the previous day's discussion and provided an overview of this day's agenda.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Draft Minutes

Justice Ardaiz announced that unfortunately the draft minutes of the March 2003 meeting were not ready for the task force's review. Once these draft minutes were ready for distribution, the staff would e-mail them to task force members so that they would have an opportunity to review and comment.

Item 4 Web Site Correspondence to the Task Force

Justice Ardaiz reported that staff had not received Web site correspondence to the task force.

Item 5 Standards – Delivery, Maintenance, and Storage of the Verbatim Transcript and Reporters’ Notes

The task force continued its discussion regarding the draft standards for the delivery, maintenance, and storage of the memorialization of oral proceedings.

Item 6 The Experience of the Superior Court of California, County of Calaveras with the Availability of Court Reporters

Ms. Mary Beth Todd, Executive Officer of the Superior Court of Calaveras County, provided an in-depth presentation to the task force concerning the availability of pro tempore court reporters to her court and other courts in her region. The ensuing discussion touched upon court reporter availability, court reporter salaries, fee collection, and trial court funding.

Item 7 Need for Reporting of the Record in the Court System

Ms. Flynn provided a handout which outlined the laws that specify when a certified shorthand reporter is required or when one can be requested. The purpose of the handout was to aid the task force in this discussion.

Ms. Maher proceeded to introduce this subject matter to the task force via a power point discussion model. Some of the court reporter members of the task force expressed their concern that the emphasis of this discussion would be on a court reporter shortage. These members questioned if a court reporter shortage actually exists. After considerable dialogue, Mr. Cramer suggested that the task force consider delaying this discussion until the May meeting with the AOC. He stated that it would be more appropriate to discuss this subject at that time. Justice Ardaiz asked each of the other court reporter members if they agreed with this suggestion and each responded that he or she concurred. Justice Ardaiz agreed to delay this discussion with the express understanding that this subject would be discussed during the May meeting.

Item 8 Hotel Shuttle Information

Ms. Claudia Ortega conveyed the shuttle schedule to the task force.

Item 9 Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:00 p.m.

**Meeting Minutes
Friday, April 25, 2003**

Item 1 Recap of the Previous Day’s Discussion

Justice Ardaiz called the meeting to order at 8:45 a.m.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Airport Shuttle Information

Ms. Ortega distributed the sign-up sheet for transportation to the airports.

Item 4 Differentiation of the Transcript Format

Staff distributed copies of the revised standards for the delivery, maintenance, and storage of the memorialization of oral proceedings. Ms. Maher invited any comments or edits to the revised document.

Ms. Maher facilitated a discussion regarding the differentiation of the transcript format. Specifically, the task force discussed the function and format of title pages (which typically identify the contents of a volume) and cover pages (which typically indicate the content of a daily transcript). Questions began to emerge as to how exactly the superior courts forward transcripts for cases on appeal to the appellate courts. Questions were also raised as to what information the title and cover pages should contain to facilitate the efficient receipt of the transcript by the appellate courts. The task force requested that superior court staff experienced in delivering the record to the appellate courts provide their insight to the task force. The task force also requested that staff from the appellate courts convey their recommendations as to what data elements the title and/or cover pages should contain. Justice Ardaiz agreed that such a presentation would be extremely beneficial and that the next meeting would provide for this exchange of information.

Item 5 Summarization of Task Force Accomplishments to Date and Future Course of Action

Justice Ardaiz conveyed how the task force's recommendations would have significant consequences for the trial and appellate court structures. He thanked the members for their enthusiasm and dedication.

Item 6 Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 11:30 a.m.